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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
MSP RECOVERY CLAIMS, SERIES LLC,

Plaintiff,

-against-

AMTRUST INSURANCE COMPANY,
AMTRUST NORTH AMERICA, INC.,

Defendants.

ANALISA TORRES, District Judge:

21 Civ. 1011 (AT)

ORDER

The Court has reviewed the parties' joint letter dated November 10, 2022. ECF No. 86. On February 1, 2022, the Court stayed this action in light of the Second Circuit case *Aetna Life Insurance Company v. Big Y Foods, Inc.*, No. 20-3853, and ordered the parties to file a joint status letter updating the Court on the ramifications of the decision within fourteen days after a decision in *Aetna*. ECF No. 85. In their joint letter, the parties state that "most of the pending motion to dismiss, [ECF] No. 75, raises certain standing arguments not necessarily resolved by *Aetna*," and that "the motion to dismiss *could* remain pending." ECF No. 86 at 1 (emphasis added). Accordingly:

1. By **November 28, 2022**, the parties shall file an amended proposed case management plan.
2. By **December 12, 2022**, the Plaintiff shall file a letter brief of no more than five pages addressing whether the Second Circuit's decision in *Aetna Life Insurance Company v. Big Y Foods, Inc.*, 52 F.4th 66 (2d Cir. 2022) affects Defendants' motion to dismiss the second amended complaint, ECF No. 75.
3. By **January 3, 2023**, Defendants shall file their response, if any.

The Court's decision on Defendants' motion to dismiss is HELD IN ABEYANCE.

The Clerk of Court is directed to UNSTAY the case and terminate the motion at ECF No. 75.

SO ORDERED.

Dated: November 14, 2022
New York, New York



ANALISA TORRES
United States District Judge